

Remarks

Claims 1-16 were pending in this case and were rejected. Claims 1 and 11-12 have been amended, and reconsideration is respectfully requested. Furthermore, new claims 17-21 have been added.

Rejection Under 35 U.S.C. § 102

Claims 1-3, 6-13 and 15 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,850,442 to Muftic. Claim 1 has been amended to recite that the transaction device "does not utilize proprietary software of a merchant service provider to complete the transaction". Claims 11 and 12 have been amended to provide similar recitations. Support for this amendment may be found in the specification at page 2, lines 12-14, and at page 5, lines 23-26. By contrast, Muftic discloses users participating in electronic commerce logically related in a certification matrix using security servers and an application programming interface which includes security primitives (i.e., proprietary software) (*See*, column 9, lines 24-67). The client computer disclosed by Muftic requires smart token technology software (*See*, Figures 5 and 6 and column 11, lines 22-67). The amendments to claims 1 and 11-12 make it clear that the transaction device does not utilize proprietary software of a merchant service provider to complete the transaction.

Thus, the § 102(b) rejection of claims 1 and 11-12 is believed to be obviated and should be withdrawn. Because claims 2-3, 6-10, 13 and 15 depend from claims 1 or 12, which claims are believed to be allowable as stated above, claims 2-3, 6-10, 13 and 15 are also believed to be allowable.

Furthermore, regarding claims 7 and 8, claims 7 and 8 concern displaying an advertisement and an electronic coupon, respectively. By contrast, at the cite noted by the Examiner, Muftic discloses insurance certificates (*See*, column 20, line 19- column 21, line 17). Therefore, the rejection of claims 7 and 8 is not proper and should be withdrawn.

Furthermore, regarding claim 10, claim 10 recites "updating the commands of the web server". By contrast, Muftic discloses updating the user's system (*See*, column 12, lines 5-21). Therefore, the rejection of claim 10 is not proper and should be withdrawn.

Rejection Under 35 U.S.C. § 103

Claims 5 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,850,442 to Muftic. Claims 4 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Muftic in view of U.S. Patent No. 5,987,498 to Athing et al.

Because claims 4-5, 14 and 16 depend from claims 1 or 12, which claims are believed to be allowable as stated above, claims 4-5, 14 and 16 are also believed to be allowable.

New Claims

New claims 17-21 have been added to more distinctly claim and particularly point out that which Applicant regards as the subject matter of the invention. Support for claim 17 may be found in the specification at page 4, lines 5-6 and lines 18-20, and page 6, lines 6-10. Support for claim 18 may be found in the specification at page 4, lines 2-8. Support for claim 19 may be found in the specification at page 4, lines 9-12, and page 5, lines 15-23. Support for claim 20 may be found in the specification at page 4, line 27-page 5, line 2, and at page 7, lines 2-4. Support for claim 21 may be found in the specification at page 2, lines 12-14, and at page 5, lines 23-25.

Summary

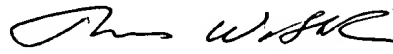
Applicant has made a *bona fide* effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

The Examiner is requested to telephone the undersigned to discuss prompt resolution of any remaining issues necessary to place this case in condition for allowance.

A check in the amount of \$128 is enclosed to cover the Petition fee and one additional dependent claim. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978 -- a duplicate of this paper is enclosed for that purpose.

Respectfully submitted,

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Attachment

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Please amend claims 1 and 11-12 as shown below.

1. (AMENDED) A method of performing a card transaction, the method comprising:

accessing a web server using a transaction device, wherein the web server includes commands for processing the transaction; and

entering a transaction card into a card reader of the transaction device in order to enter transaction information associated with the card into the web server;

wherein the transaction device does not utilize proprietary software of a merchant service provider to complete the transaction.

11. (AMENDED) A method of performing a card transaction, the method comprising:

accessing a web server using a point of service terminal having a web browser and a card reader, wherein the web server includes commands for obtaining authorization of the transaction;

entering a transaction card into the card reader in order to enter an account number associated with the card into the web server;

responding to prompts generated by the web server using the terminal; and

obtaining authorization for the transaction through the web server;

wherein the point of service terminal does not utilize proprietary software of a merchant service provider to complete the transaction.

12. (AMENDED) A point of service terminal for performing a card transaction, the terminal comprising:

a central processing unit having a web browser for accessing a web server on the Internet; and

a card reader in communication with the central processing unit for receiving a transaction card and entering transaction information associated with the card into the web server;

wherein the point of service terminal does not utilize proprietary software of a merchant service provider to complete the transaction.